



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

MAR 25 2014

Ref: 8ENF-W-NP

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

John Moser
Stromo, LLC
1999 County Road 28
Hudson, CO 80642-9624

Re: Request for Information Pursuant to Section 308 of the Clean Water Act (33 U.S.C. § 1318)

IMMEDIATE ATTENTION REQUIRED

Dear Mr. Moser:

The regulations at 40 Code of Federal Regulations (C.F.R.) Part 503 established the Standards for the Use or Disposal of Sewage Sludge. These standards are often referred to as the "Biosolids" standards or regulations. The standards consist of general requirements, pollutant limits, management practices, operational standards for the final use and disposal of sewage sludge generated during the treatment of domestic sewage in a treatment works, pathogen and alternative vector attraction reduction requirements, monitoring, recordkeeping and reporting. The purpose of this letter is to obtain additional information so the U.S. Environmental Protection Agency (EPA) can determine your facility's compliance with the Clean Water Act (CWA) and the Standards for the Use or Disposal of Sewage Sludge.

Section 308(a) of the CWA, 33 U.S.C. § 1318(a), authorizes the EPA to require the submission of any information necessary to carry out the objectives of the CWA, 33 U.S.C. § 1251 *et seq.* Under the authority of Section 308 of the CWA, the EPA hereby requires you to provide the information requested in the enclosed INFORMATION REQUEST **within thirty (30) calendar days of receipt of this letter.**

Guidance on How to Respond

Please read the instructions included in the enclosed INFORMATION REQUEST carefully before preparing your responses.

Important Information about This Request and the Response

Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil penalties up to \$37,500 per day of violation or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Further, note that the EPA reserves the right to pursue appropriate enforcement actions, under Section 309 of the CWA, 33 U.S.C. § 1319, including penalties, for violations of the CWA.

The information required by this request must be submitted notwithstanding any claim you may have concerning confidentiality. The facility may assert a business confidentiality claim with respect to part or all of the information submitted to the EPA under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, as further described in the enclosed instructions. The EPA will consider and process such a request pursuant to such statutes and the EPA regulations at 40 C.F.R. Part 2, Subpart B. If no such claim accompanies the information when it is submitted to the EPA, it may be made available to the public by the EPA without further notice to the facility.

If your organization is a small business (which the EPA has not necessarily determined), you may find the enclosed Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet useful. It contains information on compliance assistance resources and tools available to small businesses. SBREFA does not eliminate your responsibility to respond to this information request or to comply otherwise with the Act.

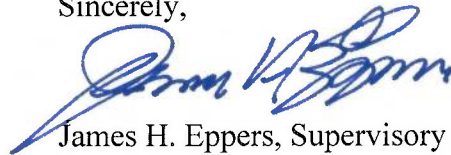
This Request for Information is being sent on behalf of the Agency's Biosolids Center located in EPA's Region 7 office in Lenexa, Kansas. As the enclosed instructions indicate, the response to this Request for Information is to be sent to EPA's Region 7 office. We appreciate your cooperation and prompt attention to this matter. If you have any questions regarding this information request, please contact Tony Petruska in EPA's Biosolids Center at (913) 551-7637.

Sincerely,



Gwenette C. Campbell, Unit Chief
NPDES Enforcement Unit
Office of Enforcement, Compliance
and Environmental Justice

Sincerely,



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures

INFORMATION REQUEST
STATEMENT OF CERTIFICATION
SBREFA INFORMATION SHEET

cc: Diane Huffman, Region 7, Chief, Water Enforcement Branch
Gwen Campbell, Region 8, Unit Chief, ENF-W-NP
Tim Larson, CDPHE

INFORMATION REQUEST

This information is requested by the U.S. Environmental Protection Agency pursuant to Section 308 of the Clean Water Act, 33 U.S.C. § 1318.

I. Instructions

1. Please provide a separate response to each and every request set forth below. Please label each response in a manner that identifies the number of the question or document request.
2. If any response cannot be provided in full, provide the response to the extent possible along with an explanation of why the response cannot be provided in its entirety.
3. If information or documents not known or not available to you as of the date of submission of your response to this request should later become known or available to you, you must supplement your response to the EPA within ten (10) business days of when the information or documents become known or available. Moreover, should you find, at any time after the submission of your response, that any portion of the submitted information is inaccurate, false or misrepresents the truth, you must notify the EPA of this fact immediately and provide a corrected response within ten (10) business days of when you find the information is false or misrepresents the truth.
4. Certification. The Statement of Certification found enclosed below must be submitted along with your response. This statement must be made by a person authorized to sign reports pursuant to 40 C.F.R. § 122.22(a). For your convenience, the text of 40 C.F.R. § 122.22(a) is included.
5. Confidential Business Information. If you believe any of the requested information is confidential, you may assert a business confidentiality claim under the provisions of 33 U.S.C. § 1318, 18 U.S.C. § 1905, and the regulations at 40 C.F.R. Part 2, and in the manner described at 40 C.F.R. § 2.203(b). Information requested by this letter, however, must be submitted to the EPA regardless of such a claim of confidentiality. If the EPA determines the information you have designated meets the criteria in 40 C.F.R. § 2.208, the information will be disclosed only to the extent and by means of the procedures specified in Subpart B. Unless a confidentiality claim is asserted at the time the requested information is submitted, the EPA may make the information available to the public without further notice to you.
6. Accurate and Truthful Information Required. Please be advised that the failure to respond accurately, or the submission of false information, may subject you to civil or criminal penalties under Section 309 of the CWA, 33 U.S.C. § 1319, and/or 18 U.S.C. § 1001. Please be aware that the issuance of this letter and your response with the requested information does not relieve you of any responsibility under the CWA for seeking, maintaining, or complying with an applicable NPDES permit.
7. Submission of Response to Information Request. All responses to this Information Request must be submitted within the timeframes identified in Section III, below. Each response should be submitted in a manner that allows you to track delivery, and must be submitted to:

Mr. Tony Petruska
U.S. Environmental Protection Agency
Water, Wetlands and Pesticides Division
11201 Renner Boulevard
Lenexa, Kansas 66219

II. Definitions

All terms used in this request that are not defined below shall be defined as they are defined at Section 502 of the CWA, 33 U.S.C. § 1362, and 40 C.F.R. §§ 503.9, 503.11, 503.21, 503.31, 503.41 and 122.2. Unless otherwise indicated, the following definitions shall apply strictly for the purposes of this request for information:

1. "Record" is defined as any recording of information in tangible form. It includes, but is not limited to, in print or electronic form, documents, memoranda, reports, letters, maps, graphs, charts, log books, notes, computer print outs and computer data bases.
2. "Document" is defined as any writings, drawings, graphs, charts, photographs, phone records, electronic mail, facsimile, and other data compilations from which information can be obtained, translated if necessary, through detection devices into reasonably usable form. Documents should be produced as they are kept in the usual course of business.
3. "Biosolids" is defined as sewage sludge generated during the treatment of domestic sewage in a treatment works.
4. *Sewage sludge* is solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works. Sewage sludge includes, but is not limited to, domestic septage; scum or solids removed in primary, secondary, or advanced wastewater treatment processes; and a material derived from sewage sludge.
5. "You" and "Stromo, LLC" each mean Stromo, LLC and any officer, director, administrator, manager, employee, contractor, joint venture partner, and agent of Stromo, LLC.

III. Requested Information

Please submit your response to this Information Request as directed in Section I, to the address provided in Section I.

Note that except for a cover letter or memorandum, 1) only copies, and not original documents, should be submitted pursuant to this request, and 2) documents and data may be submitted digitally (e.g. on a compact disk or flash drive in PDF, Word, Excel or other widely available electronic format).

Preliminary Information

1. In each submission required by this Information Request, identify the person to contact regarding your submission, including title, address and phone number.
2. Your responses to this Information Request are to be provided by a qualified professional. For each response required below, provide the name and credentials of the person(s) providing information in response to this Information Request.

Within thirty (30) days of receipt of this information request, provide the following information:

1. Provide general facility information including layout, capacity and processes.
2. For the calendar years 2010, 2011, 2012 and 2013, provide the following:
 - a. The quantity of sewage sludge and biosolids related materials received and processed at your facility.
 - b. The quantity of sewage sludge and biosolids related materials removed from your facility for land application (including sold or given away).
 - c. The quantity of sewage sludge and biosolids related materials retained on site at the end of each calendar year.
3. For all sewage sludge and biosolids related materials produced or processed at your facility in calendar years 2010, 2011, 2012 and 2013, provide all records pertaining to whether or not the materials meet the Class A or Class B classification for sewage sludge found in 40 CFR Part 503. The records should include copies of the following:
 - a. All laboratory results used to determine the classification such as pathogen testing, vector attraction reduction, and metals;
 - b. Specific records identifying whether or not the pathogen requirements were met in accordance with 40 C.F.R. § 503.32(a);
 - c. Specific records identifying whether or not the vector attraction reduction requirements were met in accordance with 40 C.F.R. § 503.33(b)(1) through (b)(8);
 - d. Specific records for concentrations of pollutants listed in Table 3 of 40 C.F.R. § 503.13;
 - e. All temperature logs used to track compliance if used for pathogen or vector attraction reduction certification; this includes temperature logs for each digester and/or each compost windrows.
4. Describe the procedures that your facility follows in instances when processed sewage sludge and biosolids related materials do not meet Class A or Class B classification. This includes when pathogen, pH or temperatures initially fail to meet the pathogen or vector attraction reduction limits of 40 CFR Part 503;
5. Provide copies of records of crops, soils tests, agronomic rates and amount of processed sewage sludge and biosolids related materials applied for each field where such materials are distributed in bulk for application on agricultural fields.
6. Describe the final disposition of process sewage sludge and biosolids related materials which do not meet all of the standards for Class A or Class B sewage sludge found in 40 CFR Part 503.

7. Provide copies of agreement(s) between the Metro Wastewater Reclamation District and Stromo, LLC regarding the handling, processing, and/or distribution of sewage sludge and biosolids related materials.
8. Provide copies of agreement(s) between the Metro Wastewater Reclamation District and Renewable Fiber Inc. regarding the handling, processing, and/or distribution of sewage sludge and biosolids related materials.
9. Provide copies of agreement(s) between the Renewable Fiber Inc. and Stromo, LLC regarding the handling, processing, and/or distribution of sewage sludge and biosolids related materials.
10. For the calendar years 2010, 2011, 2012, and 2013, daily hauling logs and/or distribution logs for processed sewage sludge and biosolids related materials. For each shipment, identify the location of the final disposition, whether or not the materials met the Class A or Class B classification for sewage sludge pursuant to 40 CFR Part 503, the weight in dry tons of the materials and whether or not the materials were used on agriculture land.
11. For the 2010, 2011, 2012, and 2013 calendar years a summary of the costs associated with processing sewage sludge and biosolids related materials (e.g. treatment costs) at your facility.
12. For the 2010, 2011, 2012, and 2013 calendar years a summary of income derived from the sale or transfer of processed sewage sludge and biosolids related materials.
13. A description of how your facility distributes small quantities of processed sewage sludge and biosolids related materials to individuals.
14. A sample of a label placed or given with each load of sewage sludge and biosolids related materials shipped offsite.
15. Signed copies of all certifications required pursuant to 40 CFR Part 503.
16. Indicate if the facility has applied for an EPA or Colorado Department of Public Health and Environment (CDPHE) biosolids or sewage sludge permit. If so, indicate the date of the Notice of Intent or other application and provide copies of materials submitted to the EPA or CDPHE.
17. Describe the relation (e.g., parent, subsidiary, partner in joint venture, etc.) between Stromo, LLC and each of the following: Metro Wastewater Reclamation District and Renewable Fiber Inc.
18. List the name and contact information for each corporate officer and environmental compliance manager for Stromo, LLC.

STATEMENT OF CERTIFICATION
(To be submitted with every response to the Information Request)

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations.

Signature

Date

Printed Name

Title

40 C.F.R. § 122.22(a). Signatories to permit applications and reports.

(1) **For a corporation.** By a responsible corporate officer. For the purpose of this section, a responsible corporate officer means: (i) A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

Note: EPA does not require specific assignments or delegations of authority to responsible corporate officer identified in Sec. 122.22(a)(1)(i). The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Director to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under Sec. 122.22(a)(1)(ii) rather than to specific individuals.

(2) **For a partnership or sole proprietorship.** By a general partner or the proprietor, respectively; or

(3) **For a municipality, State, Federal, or other public agency.** By either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes: (i) The chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of EPA).

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline -

to report oil and hazardous substance spills
www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

Toxic Substances Control Act (TSCA) Hotline
tsca-hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline
www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators
www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)
www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center
www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal
www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy
www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy
www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.